

**4694. Adulteration of tomato ketchup. U. S. \* \* \* v. Mary C. Flaccus, trading as E. C. Flaccus Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 7113. I. S. Nos. 1385-k, 1396-k.)**

On May 12, 1916, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mary C. Flaccus, trading as E. C. Flaccus Co., Wheeling, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 17, 1914, and January 13, 1915, from the State of West Virginia into the State of Pennsylvania, of consignments of tomato ketchup which was adulterated.

The first shipment was labeled: (On one head of barrel) "495-78-417 Preserved with  $\frac{1}{10}$  of 1% Sodi Benzoate." (On other head) "Champion Brand Tomato Catsup Manufactured by E. C. Flaccus Co Wheeling, W. Va. U. S. A. Food Products."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results:

	Yeasts and spores per 1/60 cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
1.....	75	850,000,000	46
2.....	80	590,000,000	20

A partially decomposed vegetable product.

The second shipment was labeled: (On jug) "Preserved with one tenth of one per cent Benzoate of Soda. Contents One Gal. Avd. Tomato Catsup Pure wholesome delicious Prepared From Tomatoes, Sugar, Vinegar, Onions, Salt, Spices & Garlic Packed for Daub Bros., Pittsburgh, Pa."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Yeasts and spores per 1/60 cmm..... 200  
 Bacteria per cc..... 400,000,000  
 Mold filaments present in 86 per cent of the microscopic fields.

A partially decomposed vegetable product.

Adulteration of the article in both shipments was alleged in the information for the reason that it consisted, in whole or in part, of a decomposed vegetable matter.

On May 12, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*